

SECTION: PARTICIPANT RIGHTS

SUBJECT: Treatment of Individuals

ITEM: *Nondiscrimination/Examples of Discriminatory Actions*



Purpose	The purpose of this policy is to identify protected classes and to provide examples of how to prevent discriminatory actions.
Policy	No person(s) shall be excluded from participation in, be denied benefits of, or be subjected to discrimination under the State WIC Program on the grounds of race, color, national origin, age, sex or disability.
Basis for policy	7 CFR, Ch. 11, Section 246.8, WRO All States Memorandum 818C
Authority	Local agencies shall comply with the provisions of the following: <ol style="list-style-type: none">1. Title VI of the Civil Rights Act of 1964,2. Title IX of the Education Amendments of 1972,3. Section 504 of the Rehabilitation Act of 1973,4. Age Discrimination Act of 1975,5. Americans with Disabilities Act of 1990, and6. California Fair Employment and Housing Act
Assurance	The local agency contract includes an assurance that the agency shall comply with the above policy. The assurance also states, in part, that the local agency shall maintain records necessary for the enforcement of and compliance with the above civil rights laws.
Program benefit limitations	<p>The eligibility determination according to age and sex is not a violation of civil rights, since the purpose of the program, as set forth by law, is to provide benefits to the following participant/applicant categories:</p> <ul style="list-style-type: none">• pregnant women• breastfeeding women,• nonbreastfeeding women,• infants, and• children under the age of five.

**Protected
classes—
Participants**

The following are the six protected classes for participants:

1. race
2. color
3. national origin
4. age
5. sex
6. disability

Note: The nondiscrimination policy does not extend to the marital status, religious or political beliefs of participants since these are not protected classes under the applicable civil right laws.

**Non-
discrimina-
tion poster**

Local agencies shall display the nondiscrimination poster entitled “And Justice for All” in prominent places, such as waiting rooms, food instrument distribution sites, or other locations frequented by applicants and/or participants. The poster is available from the State WIC Branch and may be ordered on the Monthly Supply Requisition (DHS 4104).

**Prohibited
discrimina-
tory actions**

Some examples of prohibited discriminatory actions include:

- exclusion of persons from participation in the WIC Program on the basis of race, color, national origin, age, sex, or disability,
 - the inequitable allocation of food packages to eligible persons on the basis of race, color, national origin, age, sex or disability,
 - issuance of food instruments in a place, time, or manner that results in or has the effect of denying or limiting the benefits on the basis of race, color, national origin, age, sex, or disability,
 - segregation of persons in site waiting rooms,
 - failure to apply the same eligibility and application criteria to all potentially eligible persons seeking participation in the WIC Program,
 - certification of potentially eligible persons as eligible to receive program benefits solely on the basis of race, color, national origin, age, sex or disability, and
 - maintenance of a waiting list which makes distinctions on the basis of race, color, national origin, age, sex, or disability.
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